

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**SANDEEP NAYAK,**  
**Plaintiff**

**v.**

**VOITH TURBO, INC. et al.,**  
**Defendants**

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**No. 1:14-cv-1053**

**(Judge Kane)**

**(Magistrate Judge Schwab)**

**ORDER**

**AND NOW**, on this 7th day of March 2016, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Schwab's Report and Recommendation (Doc. No. 104) is **ADOPTED**;
2. Plaintiff's objections (Doc. No. 107) are **OVERRULED**;
3. Defendant's motion to dismiss (Doc. No. 127) is **GRANTED IN PART AND DENIED IN PART** as follows:
  - a. Plaintiff's Title VII claims, raised in Counts I, II, and III of Plaintiff's Complaint (Doc. No. 132), are **DISMISSED WITH PREJUDICE**;
  - b. Plaintiff's PHRA claims, raised in Counts I, II, and III of Plaintiff's Complaint (Doc. No. 132), are **DISMISSED WITHOUT PREJUDICE**;
  - c. Counts IV, VI and VII of Plaintiff's Complaint (Doc. No. 132) are **DISMISSED WITHOUT PREJUDICE**; and
  - d. In all other respects, the motion is **DENIED**; and
4. The above-captioned action is referred back to Magistrate Judge Schwab for further pre-trial management.

\_\_\_\_s/ Yvette Kane\_\_\_\_\_  
Yvette Kane, District Judge  
United States District Court